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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/159,503	09/24/1998	B. REILLY BARRY	COS97101	5202
25537	7590	10/05/2007		
VERIZON PATENT MANAGEMENT GROUP 1515 N. COURTHOUSE ROAD SUITE 500 ARLINGTON, VA 22201-2909			EXAMINER HEWITT II, CALVIN L	
			ART UNIT 3621	PAPER NUMBER
			NOTIFICATION DATE 10/05/2007	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patents@verizon.com

✓

Office Action Summary

Application No.

09/159,503

Applicant(s)

BARRY ET AL.

Examiner

Calvin L. Hewitt II

Art Unit

3621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 July 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 97-115 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 97-115 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>8-13-07</u> . | 6) <input type="checkbox"/> Other: _____ |

Status of Claims

1. Claims 97-115 have been examined.

Response to Amendments/Arguments

2. Claims 97-114 are directed to an apparatus. However, Applicant attempts to distinguish the claims by specifying the data stored the data on the apparatus or how the apparatus is used. For example, claims 97 and 100 recite "*an object oriented protocol for enabling... to support encryption, customer identification, authentication and network entitlements*", "*at least one dispatch server... providing verification of system access and proxy generation for said system resources after said customer's entitlements have been verified*" and "*said plurality of system resources including a network manager which manages... and a view application to review... to enable... and control...*", claims 98 and 99 recite "*switched voice traffic resources*", claim 100 recites "*network manager*", claim 101 recites "*view application*", claims 102-106 recite "*said reporter*", claim 107 recite "*customer's switched communications*", claim 108 recites "*an in-box application*", claim 109 recites "*an event monitor application*", claim 111 recites "*a single order entry application*", claim 112 recites an "*E-Billing application*", claim 113 recites a "*client view application*", and claim 114 recites "*enables voice*"

generation...". It has been held that material intended to be worked upon by a claimed apparatus (e.g. data stored in computer memory) does not differentiate the claimed apparatus from a prior art apparatus that satisfies the claimed structural limitations (*In re Rishoi*, 94 USPQ 71 (CCPA 1952); *In re Gulack*, 217 USPQ 401 (Fed. Cir. 1983); *In re Ngai*, 70 USPQ2d (Fed. Cir. 2004); *In re Lowry*, 32 USPQ2d 1031 (Fed. Cir. 1994); MPEP 2106.01 II). Regarding functional language or how the apparatus is used, it has been held "while features of an apparatus may be recited either structurally or functionally, claims directed to an apparatus must be distinguished from the prior art in terms of structure rather than function alone" (MPEP 2214; *In re Swineheart*, 169 USPQ 226; *In re Schreiber*, 44 USPQ2d 1429 (Fed. Cir. 1997)). Therefore, Archer, for example, is sufficient in terms of prior art as he discloses a web server (figure 2, item 128; column/line 2/52-3/10; column 6, lines 18-36 and 50-53; column/line 8/61-9/9; column 10, lines 1-20) and a dispatch server (figure 2, item 128; column 7, lines 22-42) (note: database 138 is connected to server 128 via a packet switched network and has a hardware configuration).

Claim 115 is directed to a method, however it recites limitations in terms of method steps that may or may not be done. For example, claim 115 recites "to enable", "to manage", "to communicate" (with a web server and a plurality of system resources), and "to review". It has been held that language that suggest or makes optional but does not require steps to be performed or does not limit a

claim to a particular structure does not limit the scope of a claim or claim limitation (MPEP §2106 II C; *In re Johnston*, 77 USPQ2d 1788 (CA FC 2006); *Intel Corp. v. Int'l Trade Comm'n*, 20 USPQ2d 1161 (Fed. Cir. 1991)). Therefore, as the Archer reference [inherently] discloses an object oriented protocol (column 6, lines 10-46; column/line 7/65-8/11; column 10, lines 1-35) (note: "inherently" because web browsers process code and applications written in OO languages such as JAVA, C++, Perl, JavaScript and Visual Basic), a web server (figure 2, item 128; column/line 2/52-3/10; column 6, lines 18-36 and 50-53; column/line 8/61-9/9; column 10, lines 1-20) and a dispatch server (figure 2, item 128; column 7, lines 22-42) it is sufficient in terms of art.

Cohn et al. also disclose a web server (figure 13, item 39; column 7, lines 58-67) and a dispatch server (figure 13, item 165; column 24, lines 24-35).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 97-115 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cohn et al., in view of Archer, U.S. Patent No. 6,683,870.

Cohn et al. disclose communicating between an information provider (i.e. web server) (figure 13, item 39; column 7, lines 58-67) and a dispatch server (figure 13, item 165; column 24, lines 24-35). Cohn et al. do not explicitly (although it can be inferred) disclose communications between the provider and the server over the internet. Archer teaches connecting a web server (figure 2, item 128; column/line 2/52-3/10; column 6, lines 18-36 and 50-53; column/line 8/61-9/9; column 10, lines 1-20) and a dispatch server (figure 2, item 128; column 7, lines 22-42) via a packet switched network such as the internet (column 6, lines 10-30; column 7, lines 22-42). Archer (column 10, lines 28-35) also inherently discloses object oriented protocols as web browsers process code and applications written in OO languages such as JAVA, C++, Perl, JavaScript and Visual Basic. Therefore, it would have been obvious to combine the teachings of Cohn et al. and Archer in order to supply information to a user ('684, column 24, lines 28-32) such as another user's IP address ('870, column 10, lines 11-14).

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Calvin Loyd Hewitt II whose telephone number is (571) 272-6709. The Examiner can normally be reached on Monday-Friday from 8:30 AM-5:00 PM.

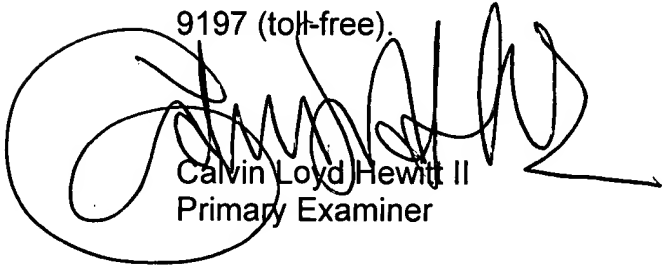
If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Andrew Fischer, can be reached at (571) 272-6779.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see

<http://pairedirect.uspto.gov>. Should you have questions on access to the

Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-

9197 (toll-free).

A handwritten signature in black ink, appearing to read "Calvin Hewitt II", is written over a circular stamp. The signature is fluid and stylized, with a large loop at the beginning and a long horizontal stroke at the end. The circular stamp is partially obscured by the signature.

Calvin Loyd Hewitt II
Primary Examiner

September 23, 2007